

NIGHT BOX
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CLARENCE MADDOX
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,)	CASE NO. 00-6273-CR-HUCK
)	
Plaintiff,)	Magistrate Judge Brown
)	
v.)	GOVERNMENT'S RESPONSE TO
)	<u>THE STANDING DISCOVERY ORDER</u>
ANTHONY TRENTACOSTA, ET AL.)	
)	
Defendants.)	
)	

The United States hereby files this response to the Standing Discovery Order. This response also complies with Local Rule 88.10 and Federal Rule of Criminal Procedure 16, and is numbered to correspond with Local Rule 88.10.

- A.1 & 2. Those portions of written records containing the substance of any oral statement made by the defendant before or after arrest in response to interrogation by any person then known to be a government agent are attached as to each respective defendant to whom this section is applicable.
3. No defendant testified before the Grand Jury.
4. The NCIC records of the respective defendants are attached.
5. With regard to items **unrelated** to the murder of Jeanette Smith, i.e., books, papers, documents, photographs, tangible objects, buildings or places which the government intends to use as evidence at trial to prove its case in chief, or which were obtained from or belonging to the defendants may be inspected at a mutually convenient time at the Office of the **Federal Bureau of Investigation, 16320 Northwest 2nd Avenue, Miami, Florida**. Please call the undersigned to set up a date and time that is convenient to both parties. The undersigned will tentatively set the date for

Wednesday, November 1, 2000 at 2:00 p.m. Please call the undersigned with 48 hours notice if you intend to review the evidence at this date and time.

With regard to items related to the murder of Jeanette Smith i.e., books, papers, documents, photographs, tangible objects, buildings or places which the government intends to use as evidence at trial to prove its case in chief, or were obtained or belonging to defendant HERNANDEZ, please call the undersigned to make arrangements with the Broward Sheriff's Office at a mutually convenient time. Please call the undersigned to set up a date and time that is convenient to all parties. With regard to photographs, please contact BSO Detective Dennis Shinabery at (954) 831-6410.

6. Fingerprint reports are attached.
- B. DEMAND FOR RECIPROCAL DISCOVERY: The United States requests the disclosure and production of materials enumerated as items 1, 2 and 3 of Section B of the Standing Discovery Order. This request is also made pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure.
- C. The government will disclose any information or material which may be favorable on the issues of guilt or punishment within the scope of Brady v. Maryland, 373 U.S. 83 (1963), and United States v. Agurs, 427 U.S. 97 (1976).
- D. The government will disclose any payments, promises of immunity, leniency, preferential treatment, or other inducements made to prospective government witnesses, within the scope of Giglio v. United States, 405 U.S. 150 (1972), or Napue v. Illinois, 360 U.S. 264 (1959).
- E. The government will disclose any prior convictions of any alleged co-conspirator, accomplice or informant who will testify for the government at trial.
- F. Defendant Ariel Hernandez was identified by various store clerks using a photocopy of his driver's license.

- G. The government has advised its agents and officers involved in this case to preserve all rough notes.
- H. The government will timely advise the defendants of its intent, if any, to introduce during its case in chief proof of evidence pursuant to F.R.E. 404(b). You are hereby on notice that all evidence made available to you for inspection, as well as all statements disclosed herein or in any future discovery letter, may be offered in the trial of this cause, under F.R.E. 404(b) or otherwise (including the inextricably-intertwined doctrine).
- I. The defendants are aggrieved persons, as defined in Title 18, United States Code, Section 2510(11), of any electronic surveillance. The relevant orders and underlying applications and affidavits are attached hereto. In addition, there are 13 CD-ROMs which contain all of the conversations intercepted on pursuant to the relevant orders. Furthermore, the government has transcribed some of those conversations. Transcripts and the CD-ROMs are available to be copied by making arrangements with International Legal Imprints, 150 S.E. 2nd Avenue, Suite 800, Miami, Florida 33131, Attention Claudia, Telephone numbers (305) 358-3730 or (954) 522-0013. **PLEASE BE ADVISED THAT EACH DEFENDANT IS RESPONSIBLE FOR THE COSTS OF THESE MATERIALS.**
- J. The government has ordered transcribed the Grand Jury testimony of all witnesses who will testify for the government at the trial of this cause.
- K. No contraband is involved in this indictment.
- L. If you wish to inspect the Mazda Navajo used in the commission of the offense charged, please contact the undersigned.
- Security requirements mandate strict compliance with the procedures established for the granting of access for inspection of seized vessels, aircraft and vehicles.

Accordingly, the United States Attorney's Office cannot process last-minute requests for inspection. In order to meet security requirements, all requests to inspect seized vessels, aircraft or automobiles must be received by the AUSAs handling the case on or before fifteen (15) days from the date of the Certificate of Service attached hereto.

If you anticipate that this deadline may create a problem for you or your client, please promptly send written notice to the appropriate AUSA.

- M. See A. 6.
- N. To date, the government has not received a request for disclosure of the subject-matter of expert testimony that the government reasonably expects to offer at trial.
- O. The government will make every possible effort in good faith to stipulate to all facts or points of law the truth and existence of which is not contested and the early resolution of which will expedite trial. These stipulations will be discussed at the discovery conference.
- P. At the discovery conference scheduled in Section A.5, above, the government will seek written stipulations to agreed facts in this case, to be signed by the defendant and defense counsel.

The government is aware of its continuing duty to disclose such newly discovered additional information required by the Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, Brady, Giglio, Napue, and the obligation to assure a fair trial.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by United States mail this 18th day of October, 2000 to:

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